

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

 ORIGINAL

----- x

UNITED STATES OF AMERICA :

- v. - :

GREGORY RORKE, :

Defendant. :

**AFFIRMATION IN SUPPORT
OF APPLICATION FOR AN
ORDER OF CONTINUANCE**

14 Mag. 2429

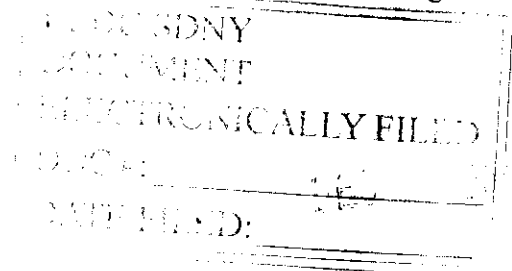
----- x

State of New York)
County of New York : ss.:
Southern District of New York)

MICHAEL FERRARA, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury:

1. I am an Assistant U.S. Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), of the time within which an indictment or information would otherwise have to be filed.

2. On October 29, 2014, defendant Gregory Rorke was charged by complaint with violations of 15 U.S.C. §§ 78j(b) and 78ff; 17 C.F.R. § 240.10b-5; and 18 U.S.C. §§ 1343 and 2. On October 31, 2014, the defendant was arrested and presented before the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, in the Southern District of New York. In addition, on October 31, the defendant retained Michael Tremonte, Esq. as counsel, and the defendant was released pursuant to certain bail conditions. The defendant also waived his right to have an indictment or information filed for 30 days.




3. On December 2, 2014, the Honorable Frank Maas, United States Magistrate Judge, entered an Order of Continuance, giving the Government until December 31, 2014 to file an indictment or information.²

4. Defense counsel and I have been and are engaged in discussions concerning a possible disposition of this case. The negotiations are not complete, and though we plan to continue our discussions, we do not anticipate a resolution before December 31.

5. Therefore, the Government is requesting a continuance until January 30, 2015 to continue the foregoing discussions and reach a disposition of this matter. I personally spoke with defense counsel, who consents to this request on the defendant's behalf.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial. See 18 U.S.C. 3161(h)(7)(A).

Dated: New York, New York
December 29, 2014



MICHAEL FERRARA
Assistant U.S. Attorney
212-637-2526

² Under the Speedy Trial Act, the Government initially was required to file an indictment or information on or before December 1, 2014. See 18 U.S.C. § 3161(b). However, due to a clerical error, the Government did not request an order of continuance until December 2, 2014. Judge Maas granted that request, which was consented to by the defendant, through counsel.